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October 22, 2004

Office of the General Counsel
Federal Election Commission
999 E Street, N.W., 6th Floor
Washington, D.C. 20463

Re: MUR 5492

Ladies and Gentlemen:

On October 18, 2004 Jeff Jordan of your office forwarded to me a September 30, 2004 letter to the Commission from Gail A. Banks who submitted the initial complaint in this matter.

Ms. Banks paraphrases (in colorful dialect) a radio advertisement purportedly aired by Freedom, Inc. As noted in our response to the original complaint, Cleaver For Congress has had no direct or substantive involvement in Freedom, Inc. advertisements. Cleaver For Congress has no basis for believing that any prohibited sources of funds were used for this or any other advertisement.

Ms. Banks also alleges that Rev. Cleaver was quoted in a September 29, 2004 news stored aired on KSHB-TV in Kansas City. This is simply not true. Ms. Banks apparently gave a copy of her complaint to KSHB to assure that it was publicized. I provided a statement on behalf of the campaign which was quoted, but Rev. Cleaver did not appear in the news story at all nor was there any reference to any statement by him. There were no statements by anyone concerning speaking with the Commission or predicting that the matter would be dismissed "in two to three days."

Ms. Banks more recently provided a copy of her complaint and the supplemental letter to *The Kansas City Star*, and the *Star's* story confirmed that Ms. Banks was a supporter of Rev. Cleaver's opponent in the August Democratic primary. It now appears that Ms. Banks has transferred her political allegiance to Rev. Cleaver's Republican opponent in the general election, and Ms. Banks appears in a television advertisement run by the Republican campaign.

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COUNSEL
2004 OCT 28 A 10:08

KC-1227837-1

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We believe the complaint should be dismissed. But, if I can provide any additional information or be of help in any way, please let me know.

Very truly yours,


Michael Thompson

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